

Minutes of a Regular Meeting of the City Council of the City of Pearland, Texas, held on May 14, 2018 at 6:30 PM, in the COUNCIL CHAMBERS | PEARLAND CITY HALL 3519 LIBERTY DRIVE, Pearland, Texas.

Mayor Reid called the meeting to order at 6:30 p.m. with the following present:

Council Present: Mayor Reid, Mayor Pro-Tem Reed, Councilmember Carbone, Councilmember Moore, Councilmember Little, Councilmember Owens, and Councilmember Perez

Also Present: Clay Pearson City Manager, Darrin Coker City Attorney, Maria Rodriguez Deputy City Secretary, Jon Branson Deputy City Manager, Matt Buchanan President of Economic Development, Trent Epperson Assistant City Manager, Michelle Graham Human Resource Director, John McDonald Community Development Director, Chris Orlea Director for Parks and Recreation Department, Clarence Sirmons Development Coordinator, Cynthia Pearson Finance Director, Daniel Baum Deputy Fire Chief, Jimontanae McBride City Planner, Joel Hardy Grant/Special Projects Administrator, Johnny Spires Chief of Police, Lawrence Provins Deputy City Attorney, Martin Griggs Senior Planner, Robert Upton City Engineer, Vance Riley Fire Chief, Kim Sinistore Executive Director Pearland Visitors & Convention Bureau, Andrea Brinkley Project Manager, and Daniel McGhinnis Chief Information Technology

The invocation was given by Councilmember Mayor Reid and the Pledge of Allegiance was led by Police Chief Johnny Spires.

CITIZEN COMMENTS:

Dale Pillow 2302, Meadow Green, stated she is here tonight to thank everyone for their support at the Adult Reading Center. Mrs. Pillow stated she retired as of March 31 and wanted to take the opportunity to introduce Ernest Lewis. Ernest Lewis is the new CEO at the Adult Reading Center. Mrs. Pillow stated it is her hope that everyone will support Mr. Lewis as everyone supported her throughout the years.

Sam Abdelmessih, 3408 East Circle Drive, representing the Pearland Girls' Softball Association stated he wanted to first thank Council for Phase (2) of Centennial Park. He stated he would like to see the softball program increase. He would like to establish better communication and collaboration with the Parks and Recreation Department. Mr. Abdelmessih would like Council to reconsider the concession stand, and the additional restrooms that were in the initial plan for Phase 2 of Centennial Park.

Kristen Gaustad, 4301 Brazos Bend Drive Troop 142142 Girl Scouts addressed Council stating they are here to complete their Bronze Award Project. One of their favorite things about being a girl scout is making a difference in the community. They have worked hard on getting a traffic sign at the cul-de-sac at Keswick Court in the Stonebridge Subdivision. Troop 142142 thanked the City and stated this will help reduce the amount of unattended traffic on their street.

Melissa Washington, Vice President at the Pearland Chamber of Commerce, 2903 Amber Hill Trail, addressed Council and congratulated Mayor Pro-Tem Reed on his re-election. She stated early voting began today for the primary elections, and a county runoff phases will be May 14 to May 18 from 7 a.m. to 7 p.m. Voters can vote at Tom Reid Library, Westside Event Center, Westside Library, and the main Election Day is May 22, 2018. Ms. Washington invited everyone to attend a Hurricane Preparedness and Awareness Event on May 30 5:30 p.m. to 7:30 p.m. The event will be held at First United Methodist Church and to be hosted by Congressman Pete Olson and State Representative Ed Thompson.

Dorian Strickland, 997 Brady Lane, Alvin, and Haley Greenway Pearland, addressed Council and shared that they have been working tirelessly with countless volunteers over the past five years to raise enough money to purchase an adoption vehicle for Animal Control that has completed at this point. Mr. Strickland invited everyone to the ribbon cutting ceremony this Wednesday at 7:00 p.m. at 2002 Old Alvin Rd. The Pearland Pets Vehicle will be used as a mobile adoption as well as an emergency evacuation vehicle. The next annual gala will be Killen's Steak House on June 3, tickets are still available. Mr. Strickland invited everyone to come out and partake in the activities and help raise funds for the next project for Pearland Animal Control.

PUBLIC HEARING:

Conduct a docketed Public Hearing in accordance with 24 CFR 91.105 (Citizen Participation) of the Code of Federal Regulations for the City of Pearland's Community Development Block Grant Program Annual Allocations; and providing an opportunity for citizen participation, public comments and Council input and discussion.

STAFF REVIEW

Joel Hardy Grants/Special Projects Administrator provided an overview of the City of Pearland's Program Year 2018, Fiscal Year 2019, Community Development Block Grant Program Annual Allocations, and Minor Amendments that will take place this year.

CITIZEN COMMENTS

Jimmy Davis, 5004 Cozumel St., addressed Council stating it is great to have the Block Grant Programs to develop communities. He stated he would like to encourage the City to invest and support Counseling Connections for those with disabilities and mentally ill.

COUNCIL/STAFF DISCUSSION

ADJOURNMENT

The Public Hearing was adjourned at 6:45 p.m.

CONSENT AGENDA:

A. **Approval of Minutes:**

1. Minutes of April 9, 2018, Regular Meeting held at 6:30 p.m.
2. Minutes of April 16, 2018, Joint Public Hearing held at 6:30 p.m.
3. Minutes of April 16, 2018, Joint Special Meeting held at 6:30 p.m.

B. **Consideration and Possible Action** - Excuse the Absence of Councilmember Derrick Reed from the Regular Council Meeting held on April 23, 2018.

C. **Consideration and Possible Action – Resolution No. R2018-52** - A Resolution of the City Council of the City of Pearland, Texas, awarding a bid to COP Stop, for the purchase of 165 sets of rifle-resistant body armor in the amount of \$99,000.00, funded by the Office of the Governor's Criminal Justice Division 2018 Rifle-Resistant Body Armor Grant Program.

D. **Consideration and Possible Action – Resolution No. R2018-94** - A Resolution of the City Council of the City of Pearland, Texas, authorizing a professional services contract with Freese and Nichols, Inc., in an amount not to exceed \$65,460.00, associated with City/Brazoria Drainage District No. 4 Joint Cowart Creek Hazard Mapping Update Project.

E. **Consideration and Possible Action – Resolution No. R2018-88** - A Resolution of the City Council of the City of Pearland, Texas, accepting the City's Investment Report for the quarter ending March 2018.

F. **Consideration and Possible Action – Resolution No. R2018-91** - A Resolution of the City Council of the City of Pearland, Texas, authorizing participation in the Criminal Justice Division's E. Byrne Memorial Justice Assistance Grant (JAG) – State Solicitation - to the Office of the Governor, Criminal Justice Division (Police Mobile Command & Major Crimes Support System).

G. **Consideration and Possible Action – Resolution No. R2018-86** - A Resolution of the City Council of the City Of Pearland, Texas, renewing a contract to purchase automotive tires from Goodyear Tire and Rubber Company via Adame Auto Center through the Member Intergovernmental Cooperative Purchasing Agreement with National Purchasing Partners in an amount not to exceed \$100,000.00, for the period of May 23, 2018 through May 22, 2019.

H. **Consideration and Possible Action – Second and Final Reading of Ordinance No. 2000M-170** - An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain property, Lot 60: Being a 9.998 acre (435,525 square feet) tract of land being all of Lot 60, of Allison Richey Gulf Coast Home Company's Subdivision of Section 19, H. T. B. & RR Co Survey, A-243, Brazoria County, Texas according to the map or plat thereof as recorded in Volume 2, Page 23 & 24 of the Map Records of Brazoria County (M.R.B.C). Lot 61: Being a 9.996 acre (435,445 square feet) tract of land being all of Lot 61, of Allison Richey Gulf Coast Home Company's Subdivision of Section 19, H. T. B. & RR Co Survey, A-243, Brazoria County, Texas according to the map or plat thereof as recorded in Volume 2, Page 23 & 24 of the Map Records of Brazoria County (M.R.B.C). Lot 62: Being a 9.996 acre (435,445 square feet) tract of land being all of Lot 62, of Allison Richey Gulf Coast Home Company's Subdivision of Section 19, H. T. B. & RR Co Survey, A-243, Brazoria County, Texas according to the map or

plat thereof as recorded in Volume 2, Page 23 & 24 of the Map Records of Brazoria County (M.R.B.C). (**North of West Gate Street, east of Cullen Parkway, south of Hawke Meadows Road, and west of Avalon Terrace Subdivision, Pearland, TX.**) Zone Change Application No. ZONE 17-00023, a request of Houston Memorial Gardens Cemetery, applicant, on behalf of Sophie Allbritton, represented by Carolyn Gamble POA for owner of Lot 60, Estate of Blanche Gore, represented by Richard R. Royall for owner of Lot 61, Evelyne L. Brown, Cynthia Kirkland, Ind. executrix for owner of Lot 62; **for approval of a change in zoning from a Suburban Residential-12 (SR-12) to a Planned Development (PD) (Houston Memorial Gardens Cemetery Planned Development) zoning district**; on approximately 29.99 acres of land; providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

- I. Consideration and Possible Action – Second and Final Reading of Ordinance No. 1559** - An Ordinance of the city council of the City of Pearland, Texas, amending Chapter 11, Food and Food Handlers, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, to repeal the existing Chapter 11, Food and Food Handlers; and adopting a new Chapter 11, Food and Food Handlers; having a savings clause, a severability clause, and a repealer clause; and providing for codification and an effective date.
- J. Consideration and Possible Action – Resolution No. R2018-82** - A Resolution of the City Council of the City of Pearland, Texas, renewing a Lease Agreement with CBL Properties for the office space to serve the Pearland Convention and Visitors Bureau.

Councilmember Carbone made the motion, seconded by Councilmember Moore, to approve Consent Agenda items A through J with the exception of items F and J on the Consent Agenda.

Councilmember Owens asked that Consent Agenda items F and J be removed from the Consent Agenda for further Discussion.

Voting "Aye": Mayor Pro-Tem Reed, Councilmember Carbone, Councilmember Moore, Councilmember Little, Councilmember Ordeneaux, Councilmember Perez, and Councilmember Owens.

Voting "No": None

Motion Passed 7 to 0.

MATTERS REMOVED FROM CONSENT AGENDA:

As requested by Councilmember Owens Consent Agenda Item F was removed for further discussion.

- F. Consideration and Possible Action – Resolution No. R2018-91** - A Resolution of the City Council of the City of Pearland, Texas, authorizing participation in the Criminal Justice Division's E. Byrne Memorial Justice Assistance Grant (JAG) – State Solicitation - to the Office of the Governor, Criminal Justice Division (Police Mobile Command & Major Crimes Support System).

Councilmember Carbone made the motion, seconded by Councilmember Moore, to approve Resolution No. R2018-91.

City Manager Clay Pearson reported this is the procurement of a mobile command post which will support the Safe Community Strategic Priority by providing the Police Department the equipment it needs to properly manage major crime scenes, event security, as well as mobile incident command during disasters and other community, or area-wide public safety situations.

Councilmember Owens requested clarification on the expenditures, and stated he is not against it.

Voting "Aye": Councilmember Carbone, Councilmember Moore, Councilmember Little, Councilmember Ordeneaux, Councilmember Perez, and Councilmember Owens.

Voting "No": None

Motion Passed 6 to 0. Mayor Pro-Tem Reed absent from the chamber.

As requested by Councilmember Owens Consent Agenda Item J was removed for further discussion.

- J. Consideration and Possible Action – Resolution No. R2018-82** - A Resolution of the City Council of the City of Pearland, Texas, renewing a Lease Agreement with CBL Properties for the office space to serve the Pearland Convention and Visitors Bureau.

Councilmember Carbone made the motion, seconded by Councilmember Moore, to approve Resolution No. R2018-82.

City Manager Clay Pearson reported this item is for the Convention & Visitors Bureau to renew their office lease for the next five years at the Pearland Town Center with CBL Properties. The Convention & Visitors Bureau has recently updated to fiber connection, better technology. This is a good location for them with positive lease terms for the foreseeable future.

Voting "Aye": Councilmember Carbone, Councilmember Moore, Councilmember Little, Councilmember Ordeneaux, Councilmember Perez, and Councilmember Owens.

Voting "No": None

Motion Passed 6 to 0. Mayor Pro-Tem Reed absent for the Chamber.

NEW BUSINESS:

Council Action – First Reading of Ordinance No. 2000M-171 - An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain property, Being Lots 1, 2, 3, and detention reserve, a 22.8627 acre tract of land out of a portion of Lots 28, 33, and 39 of W. Zychlinski's Subdivision, recorded in Volume 29, Page 41, of the Brazoria County Deed Records, (B.C.D.R.), located in the H.T. & B. R.R. Co. Survey, Abstracts 232 and 542, Brazoria County, Texas. (**Approximately 22 acres at the SWC of Rice Drier Road and North**

Main Street (SH35) with an address of 1916 North Main Street, Pearland TX.) Zone Change Application No. ZONE 18-00003, a request of Tetra Surveys represented by David White, applicant, on behalf of Presidio Equities, LLC represented by Ryan Taaffe, owner; **approval of an addendum to add land and change the zoning from the Light Industrial (M-1) zoning district to a Planned Development (PD) (Rice Drier Business Park PD Addendum) zoning district;** on approximately 22.8627 acres of land; providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

The Planning & Zoning Commission's motion to approve application number ZONE 18-00003 passed by a vote of 5-0. This action constitutes a positive recommendation to City Council.

Councilmember Moore made the motion, seconded by Councilmember Ordeneaux, to approve Ordinance No. 2000M-171 on its First Reading.

Senior Planner Martin Griggs reported this is a request for approval of an addendum to add land, and to change the zoning from a planned development which was approved last year. The land being added is currently zoned Light Industrial (M1). The future use for this land is primarily industrial with a small area that is public, semi-public located at the corner of Rice Drier. The Planning & Zoning Commission has made a recommendation of approval of 5-0. The owner is present at the meeting to discuss potential change or for any questions.

Applicant Robert Orr, 5400 Katy Freeway, addressed Council stating a letter was recently received from an attorney stating the name Rice Drier Business Park has been reserved. The plat will be changed to Rice Drier Commerce Park. Otherwise, this is just an amendment to the previous planned development.

Voting "Aye": Councilmember Moore, Councilmember Carbone, Councilmember Little, Councilmember Perez, and Councilmember Owens.

Voting "No": None

Motion Passed 5 to 0. Councilmember Ordeneaux abstaining.

Mayor Pro-Tem Reed absent from the Chamber.

Council Action – Resolution No. R2018-90 - A Resolution of the City Council of the City of Pearland, Texas, amending a contract for disaster recovery and public assistance services with DCMC Partners, associated with the Hurricane Harvey recovery, in an additional amount not to exceed \$200,000.00 (total contract sum of \$620,000.00).

Councilmember Ordeneaux made the motion, seconded by Councilmember Moore, to approve Resolution No. R2018-90.

City Manager Clay Pearson reported Staff has been working with DCMC Partners post Harvey on a variety of reimbursements. This item is a new phase for disaster recovery and public assistance. This expenditure is projected to be 90% reimbursed.

Voting "Aye": Councilmember Moore, Councilmember Ordeneaux, Councilmember Carbone, Councilmember Little, Councilmember Owens, and Councilmember Perez

Voting "No": None

Motion Passed 6 to 0. Mayor Pro-Tem Reed absent from the Chamber.

Council Action – Resolution No. R2018-87 - A Resolution of the City Council of the City of Pearland, Texas, renewing a unit price bid for the purchase of motor fuel from Houston-Pasadena Apache Oil, LP, in an amount not to exceed \$800,000.00, for the period of May 23, 2018 through May 22, 2019.

Councilmember Little made the motion, seconded by Councilmember Moore, to approve Resolution No. R2018-87.

City Manager Clay Pearson reported Public Works Staff recommends the renewal of a unit price contract for the purchase of motor fuel from Houston-Pasadena Apache Oil Company, LP, in an amount not to exceed \$800,000, for the period of May 23, 2018 through May 22, 2019.

Voting "Aye": Councilmember Moore, Councilmember Little, Mayor Pro-Tem Reed, Councilmember Carbone, Councilmember Owens, and Councilmember Perez

Voting "No": None

Motion Passed 6 to 0. Councilmember Ordeneaux absent from the Chamber.

Council Action – Resolution No. R2018-92 - A Resolution of the City Council of the City of Pearland, Texas ("City") denying the Distribution Cost Recovery Factor rate decrease of Centerpoint Energy Houston Electric, LLC filed on or about April 4, 2018; authorizing participation in a coalition of similarly situated cities; authorizing participation in related rate proceedings; requiring the reimbursement of municipal rate case expenses; authorizing the retention of special counsel; finding that the meeting complies with the Open Meetings Act; making other findings and provisions related to the subject; and declaring an effective date.

Councilmember Perez made the motion, seconded by Councilmember Moore, to approve Resolution No. R2018-92.

City Attorney Darrin Coker reported an application has been filed with the City of Pearland for a distribution cost recovery factor adjustment in CenterPoint Electric rates. The City of Pearland has exclusive original jurisdiction for utility rates, when it comes to gas and electric powers. In this particular case the PUC has appellate jurisdiction. Centerpoint is having to make adjustments in their rates anytime there is a rate increase, or decrease it needs to be filed with the City. The basis for the decrease is attributable to the recent change in Federal Income-Tax Laws. In the recently enacted Tax Cut and Jobs Act passed last session. Consequently their revenues are decreasing and they now have to make an adjustment. The City belongs to the Texas Coast Utilities Coalition and it is recommended that the City participate and review the application to be sure everything is consistent.

Voting "Aye": Mayor Pro-Tem Reed, Councilmember Carbone, Councilmember Moore, Councilmember Little, Councilmember Ordeneaux, Councilmember Perez, and Councilmember Owens.

Voting "No": None

Motion Passed 7 to 0.

Council Action – Resolution No. R2018-93 - A Resolution of the City Council of the City of Pearland, Texas ("City") responding to the application of CenterPoint Energy Resources Corp., Texas Coast Division, to increase rates under the Gas Reliability Infrastructure Program; suspending CenterPoint's proposed effective date for forty-five days; authorizing the City to continue to participate in a coalition of cities known as the "Texas Coast Utilities Coalition" of Cities; determining that the meeting at which the resolution was adopted complied with the Texas Open Meetings Act; making such other findings and provisions related to the subject; and declaring an effective date.

Councilmember Owens made the motion, seconded by Councilmember Moore, to approve Resolution No.R2018-93.

City Attorney Darrin Coker reported this is very similar to the previous item. This is an application from CenterPoint Gas. They have sought their gas reliability infrastructure program also called the GRIP Application. This essentially gives CenterPoint Gas the opportunity to recover/recapture their infrastructure investments. The City does not have the authority to alter, or change what has been requested in the GRIP. What is being recommended is to delay the implementation of their rate increase by not approving it causing it to go into effect 45 days after.

Voting "Aye": Councilmember Moore, Councilmember Owens, Mayor Pro-Tem Reed, Councilmember Carbone, Councilmember Little, Councilmember Ordeneaux, and Councilmember Perez

Voting "No": None

Motion Passed 7 to 0.

Council Action – Resolution No. R2018-79 - A Resolution of the City Council of the City of Pearland, Texas, ratifying expenditures in the amount of \$798,185 to Gray Matter Systems Inc. for Supervisory Control and Data Acquisition (SCADA) Services.

Councilmember Carbone made the motion, seconded by Councilmember Moore, to approve Resolution No. R2018-79.

City Manager Clay Pearson reported last fall the Council approved a contract for professional services with Gray Matter Systems. SCADA is short for the utility systems, technology, various pumps and water levels, sewer systems The estimated contract amount made last fall was for \$163,000. The work proceeded in a couple of different steps some related to Harvey and a lot of other work that was directed by staff. Council is being asked for ratification of expenditures on

the work that has been done and payment thereof. This has highlighted some gaps in the procurements process. Staff is working diligently to close those gaps by making sure that there is better communication and documentation going forward.

Councilmember Owens asked if there are any potential savings from Gray Matter.

City Engineer Robert Uptown reported Gray Matter responded to that request stating that they had provided the lowest and best rates during the bidding process, but would review them and the mark up. Since then, Gray Matter has declined to respond to any potential savings.

Councilmember Carbone asked for clarification on references made in the packet regarding paying, and rejecting some outstanding invoices, and how that has been determined.

Assistant City Manager Trent Epperson stated some of the invoices were rejected because they had not been authorized for processing. All the invoices being presented today for ratification would authorize payment in full of all invoices including the invoices that were rejected.

Discussion ensued between Council and City Engineer Robert Uptown regarding evaluation of the specific work, and rebidding future work if needed.

Discussion ensued between Council and City Attorney Darrin Coker regarding payment options and State Statute Payment Provisions.

Discussion ensued between Council and Kemell Kassim Vice President of Digital Utilities for Gray Matter Systems, and City Attorney Darwin Coker regarding the approved purchase order, scope of the work, the invoices, and payment process.

Voting "Aye": Mayor Pro-Tem Reed, Councilmember Moore, Councilmember Carbone, Councilmember Little, Councilmember Ordeneaux, Councilmember Perez, and Councilmember Owens.

Voting "No": None

Motion Passed 7 to 0.

Council Action – Resolution No. R2018-95 - A Resolution of the City Council of the City of Pearland, Texas, ratifying emergency expenditures, in the amount of \$252,000.00, associated with repairs to the City's water and sanitary sewer infrastructure.

Mayor Pro-Tem Reed made the motion, seconded by Councilmember Moore, to approve Resolution No. R2018-95.

City Manager Clay Pearson reported this is a unit price contract with Texas Pride Utilities, LLC. which has been renewed for citywide water, and sanitary sewer, on call repair and maintenance services. Council is being ask to ratify the expenditures associated with repairs to the City's water and sanitary sewer infrastructure.

Voting "Aye": Mayor Pro-Tem Reed, Councilmember Moore, Councilmember Carbone, Councilmember Little, Councilmember Ordeneaux, Councilmember Perez, and Councilmember Owens.

Voting "No": None

Motion Passed 7 to 0.

MAYOR/COUNCIL ISSUES FOR FUTURE CITY COUNCIL AGENDAS: None.

Council adjourned into Executive Session under Texas Government Code at 7:53 p.m. to discuss the following:

EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE

Council returned from Executive Session at 8:08 p.m.

1. Section 551.087 – Consultation with the City Attorney – Regarding Economic Development Negotiations.

NEW BUSINESS CONTINUED:

Council Action - Resolution No. R2018-96 - A Resolution of the City Council of the City of Pearland, Texas, amending a Tax Abatement Agreement with Pearland Economic Development Corporation Prospect No. 1503, for improvements to be constructed along Kirby Drive.

Councilmember Moore made the motion, seconded by Councilmember Ordeneaux, to approve Resolution No. R2018-96 as discussed in Executive Session.

Voting "Aye": Mayor Pro-Tem Reed, Councilmember Carbone, Councilmember Moore, Councilmember Little, Councilmember Ordeneaux, Councilmember Owens, and Councilmember Perez

Voting "No": None

Motion Passed 7 to 0.

OTHER BUSINESS: None

ADJOURNMENT

Meeting was adjourned at 8:11 p.m.

Minutes approved as submitted and/or corrected this the (date).

Tom Reid
Mayor

ATTEST:

Young Lorfing, TRMC
City Secretary